

Applicant: Josef K. Winkler et al.  
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### **REMARKS**

Applicants appreciate the Examiner's thorough examination of the subject application and request reconsideration of the subject application based on the foregoing amendments and the following remarks.

Claims 1-19 are pending in the subject application.

Claims 3-9 are acknowledged as being allowable by the Examiner.

Claims 1, 2, 10 and 12 stand rejected under 35 U.S.C. §102.

Claims 11 and 13-19 were objected to as depending from a rejected base claim, however, the Examiner indicated that the claims would be allowable if appropriately re-written in independent form.

Claims 12 and 13 were re-written so as to satisfy the criterion that a claim end in a period.

The amendments to the claims are supported by the originally filed disclosure.

### **35 U.S.C. §102 REJECTIONS**

The Examiner rejected claims 1, 2, 10 and 12 under 35 U.S.C. §102(b) as being anticipated by Shinkawa et al. [USP 4,799,162; "Shinkawa"]. Applicants respectfully traverse as discussed below. The following addresses the specific rejections provided in the above-referenced Office Action.

#### **CLAIMS 1 & 2**

Claims 1 and 2 stand rejected as being anticipated by Shinkawa for the reasons provided on page 2 of the above referenced Office Action. Applicants respectfully traverse.

The Office Action Asserts, with specific reference to Figs 3 and 4 and col. 6, lines 34-62 and col. 9 lines 66-68 of Shinkawa, that the cited reference discloses the invention of claim 1. Applicants respectfully disagree with the characterization of what is allegedly disclosed in Shinkawa. As to the figures referred to in Shinkawa, it should first be noted that these figures do not relate in any way to the discussion in cols. 6 and 9 referred to in the Office Action.

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Rather as clearly indicated in Shinkawa, "FIGS. 1 through 3 illustrate a conventional apparatus designed for controlling the service of specific vehicles automobiles such as route buses." As also indicated in Shinkawa, Figure 3 thereof "the driver ought to carry with him a service timetable 13 of FIG. 3 when leaving an office or the like to begin the daily route work." Thus, figure 3 in Shinkawa is nothing more than a hard copy of a bus schedule. As to Fig. 4 Shinkawa provides that at "each bus stop, users of bus have service information displayed on a display panel 19 provided on a road unit 18, as shown in FIG. 4, to know the situation of bus service on the route and expected time needed to go to the next bus stop." From the foregoing, it can be seen that these figures in no way, depict or disclose the table being generated in claim 1 of the claimed invention.

The first clause of the method of claim 1 provides the step of "generating a table including locations of the vehicle in a time sequence as the vehicle approaches each of the one or more locations and an ETA corresponding to each location. In contrast, Shinkawa describes a process where travel time between two points is determined, where a radio receiver is located at each of the points. Shinkawa also describes is a calculating process whereby based on prior travel times of buses passing between the two points and by uses of weighting factors, a calculation is made using the weighting factors and prior to calculate a travel time between the two points. Also, the process in Shinkawa hardly corresponds to the claimed generating a table including locations of the vehicle in a time sequence as the vehicle *approaches* each of the one or more points. It is clear that what ever calculating is being performed in Shinkawa, it is only done when the vehicle is departing the prior point or stop of the vehicle.

The second clause of the method of claim 1, provides the step of "transmitting signals periodically from the vehicle, each signal including information of vehicle location at the time of transmission." While it is true that there is mobile radio transmitter on the moving vehicle in Shinkawa it merely transmit a radio signal of a given frequency that does not contain any information of vehicle location at the time of transmission. In Shinkawa the radio signals are used to determine when the mobile transmitter passes by the location of the fixed receiver.

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Based on this, the central service controller in Shinkawa calculates the expected travel time between the two points as described above.

The third clause of the method of claim 1, provides the step of "determining an arrival time for each transmitted location using the time sequenced location and ETA in the table." As indicated above, while travel times between two stops or points may be saved in a memory location according to the process described in Shinkawa, the travel time determining process described in Shinkawa as described above is all based on calculations. Nowhere is it described in Shinkawa that using a transmitted location of the vehicle one determines the ETA at a given location by using the ETA for a time sequenced location in the table that closely approximates the transmitted location.

In sum, Shinkawa does not anywhere disclose, describe, teach or suggest the method of the present invention. This is not surprising as the vehicles in Shinkawa do not transmit signals including vehicle location information.

Claim 2 depends from claim 1 and thus claim 2 is considered to be allowable at least because this claim depends from an allowable base claims.

It is respectfully submitted that claims 1 and 2 are patentable over the cited reference for the foregoing reasons.

#### CLAIMS 10 & 12

Claims 10 and 12 stand rejected as being anticipated by Shinkawa for the reasons provided on page 3 of the above referenced Office Action. Applicants respectfully traverse.

Each of claims 10 and 12 provide that the vehicle in motion transmits signals periodically from the in-transit vehicle, which signals includes information as to the location of the vehicle at the time of signal transmission. As indicated in the discussion above regarding claims 1 and 2, the vehicle in Shinkawa does not determine its location and thus transmit location information to the fixed receivers. Rather, as described above, the location of a vehicle is determined based on when the vehicle passes by the location of a fixed receiver.

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Claim 12 also includes the step of determining if the receiving device that receives each of the periodically transmitted signals is the processing receiving device that is to process the received signals. In Shinkawa, all of the fixed receiving devices are connected via lines to a centralized processing unit. Thus, there can be no disclosure, teaching or suggestion of determining if the fixed receiver is the receiver to process the received signals because all of the receivers merely forwards signals on to the centralized processing unit.

It is respectfully submitted that claims 10 and 12 are patentable over the cited reference for the foregoing reasons.

As provided in MPEP-2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegel Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Or stated another way, "The identical invention must be shown in as complete detail as is contained in the ... claims. *Richardson v Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Although identify of terminology is not required, the elements must be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990). It is clear from the foregoing remarks that the above identified claims are not anticipated by the cited reference.

It is respectfully submitted that for the foregoing reasons, claims 1, 2, 10 and 12 are patentable over the cited reference(s) and thus, satisfy the requirements of 35 U.S.C. §102. As such these claims are allowable.

#### CLAIMS 11 & 13-19

In the above-referenced Office Action, claims 11 and 13-19 were objected to as being dependent upon a rejected base claim. It also was provided in the above-referenced Office Action, however, that these claims would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claim(s).

In as much as Applicants believe that the respective base claim is in allowable form,

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claims 11 and 13-19 were not re-written in independent form as suggested by the Examiner. Applicants, however, reserve the right to later amend the subject application so as to present any one or more of these claims in independent form or to add one or more independent claims that contain the limitations of any one or more of claims 10 and 13-19.

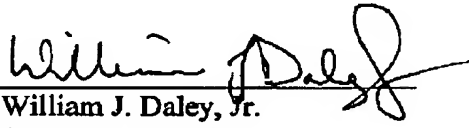
It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Applicants believe that additional fees are not required for consideration of the within Response. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully submitted,  
Edwards Angell Palmer & Dodge, LLP

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